

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:05-CR-0335</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>RICHARD SOTO</b>	:	

**ORDER**

AND NOW, this 29th day of July, 2010, upon consideration of the motion (Doc. 203) for production of transcripts, filed by defendant Richard Soto (“Soto”), wherein Soto requests a copy of the transcript of the December 22, 2009 hearing on the motion (Doc. 189) for return of seized property, and it appearing that the court denied Soto’s motion for return of seized property without prejudice, (see Doc. 197), and that Soto appealed the court’s order to the Third Circuit Court of Appeals, (see Doc. 199), and it further appearing that the United States government did not seize the property which Soto seeks, and that it was instead seized by the Harrisburg city police department,<sup>1</sup> and concluding that Soto’s appeal is therefore frivolous, it is hereby ORDERED that the motion (Doc. 203) for production of transcripts is DENIED. See 28 U.S.C. § 753(f) (explaining that a defendant may not obtain

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<sup>1</sup> At the December 22, 2009 hearing, the government presented testimony which definitively established that Soto’s property had been seized by the Harrisburg city police department on a warrant that was separate and distinct from the federal government’s arrest warrant. Furthermore, Soto was informed that the state had initiated forfeiture proceedings upon the property in the Dauphin County Court of Common Pleas. The court obtained a copy of the state’s petition in forfeiture and provided this to Soto at the December 22 hearing so that he could properly contest the forfeiture in the state courts. For clarity of the docket, a copy of this petition appears as Exhibit A to this order.

transcripts of proceedings in his case at government expense unless the court  
“certifies that the suit or appeal is not frivolous”).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge